

AMENDMENT TO SUBTITLE L
OFFERED BY _____

Add at the end the following:

1 **SEC. 3____. EXEMPTION FROM REVIEW FOR CERTAIN COM-**
2 **MUNICATIONS FACILITIES.**

3 Title I of the Communications Act of 1934 (47
4 U.S.C. 151 et seq.) is amended by adding at the end the
5 following:

6 **“SEC. 14. EXEMPTION FROM REVIEW FOR CERTAIN COMMU-**
7 **NICATIONS FACILITIES.**

8 “(a) FOR PERMITTING BY COMMISSION.—

9 “(1) IN GENERAL.—Notwithstanding any provi-
10 sion of the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.) or division A of sub-
12 title III of title 54, United States Code, the Commis-
13 sion shall not be required to perform, and may not
14 require any entity regulated by the Commission to
15 perform, any review under such Act or division as a
16 condition of permitting the placement and installa-
17 tion of a communications facility if—

18 “(A) the new facility—

19 “(i) will be located within a public
20 right-of-way; and

1 “(ii) is not more than 50 feet tall or
2 10 feet higher than any existing structure
3 in the public right-of-way, whichever is
4 higher;

5 “(B) the new facility is—

6 “(i) a replacement for an existing
7 communications facility; and

8 “(ii) the same as, or substantially
9 similar to (as such term is defined by the
10 Commission), the communications facility
11 that the new communications facility is re-
12 placing;

13 “(C) the new facility is a type of commu-
14 nications facility that—

15 “(i) is described in subsection
16 (c)(2)(B); and

17 “(ii) meets the size limitation of a
18 small antenna established by the Commis-
19 sion; or

20 “(D) the placement and installation involve
21 the expansion of the site of an existing facility
22 not more than 30 feet in any direction.

23 “(2) SAVINGS CLAUSE.—Nothing in this sub-
24 section shall be construed to affect—

1 “(A) the obligation of the Commission to
2 evaluate radiofrequency exposure under the Na-
3 tional Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.);

5 “(B) except as explicitly provided in this
6 subsection, the obligation of any provider of a
7 communications service to comply with the Na-
8 tional Environmental Policy Act of 1969 (42
9 U.S.C. 4321 et seq.) or division A of subtitle
10 III of title 54, United States Code;

11 “(C) the authority of a State or local gov-
12 ernment to apply and enforce the zoning and
13 other land use regulations of the State or local
14 government to the extent consistent with this
15 subsection and sections 253, 332(e)(7), and
16 621; or

17 “(D) the authority or obligations estab-
18 lished under section 20156(e) of title 49,
19 United States Code.

20 “(b) FOR GRANT OF EASEMENT ON FEDERAL PROP-
21 ERTY.—No review shall be required under the National
22 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
23 seq.) or division A of subtitle III of title 54, United States
24 Code, as a condition of granting a covered easement for
25 a communications facility if a covered easement has been

1 granted for another communications facility or a utility
2 facility with respect to the same building or other property
3 owned by the Federal Government.

4 “(c) DEFINITIONS.—In this section:

5 “(1) ANTENNA.—The term ‘antenna’ means
6 communications equipment that transmits or re-
7 ceives electromagnetic radio frequency signals used
8 in the provision of wireless services.

9 “(2) COMMUNICATIONS FACILITY.—The term
10 ‘communications facility’ includes—

11 “(A) any infrastructure, including any
12 transmitting device, tower, or support structure,
13 and any equipment, switches, wiring, cabling,
14 power sources, shelters, or cabinets, associated
15 with the licensed or permitted unlicensed wire-
16 less or wireline transmission of writings, signs,
17 signals, data, images, pictures, and sounds of
18 all kinds; and

19 “(B) any antenna or apparatus—

20 “(i) that is designed for the purpose
21 of emitting or receiving radio frequency;

22 “(ii) that—

23 “(I) is designed to be operated,
24 or is operating, from a fixed location

1 pursuant to authorization by the
2 Commission; or

3 “(II) is using duly authorized de-
4 vices that do not require individual li-
5 censes; and

6 “(iii) that is added to a tower, build-
7 ing, support pole, or other structure.

8 “(3) COVERED EASEMENT.—The term ‘covered
9 easement’ means an easement, right-of-way, or lease
10 to, in, over, or on a building or other property owned
11 by the Federal Government, excluding Tribal land
12 held in trust by the Federal Government (unless the
13 Tribal Government of such land requests that the
14 Commission not exclude the land for purposes of
15 this definition), for the right to install, construct,
16 modify, or maintain a communications facility.

17 “(4) PUBLIC RIGHT-OF-WAY.—The term ‘public
18 right-of-way’—

19 “(A) means—

20 “(i) the area on, below, or above a
21 public roadway, highway, street, sidewalk,
22 alley, or similar property; and

23 “(ii) any land immediately adjacent to
24 and contiguous with property described in

1 clause (i) that is within the right-of-way
2 grant; and

3 “(B) does not include a portion of the
4 Interstate System (as such term is defined in
5 section 101(a) of title 23, United States Code).

6 “(5) SUPPORT POLE.—The term ‘support pole’
7 means an upright pole or structure used or capable
8 of being used to support a wireless service facility.

9 “(6) UTILITY FACILITY.—The term ‘utility fa-
10 cility’ means any privately, publicly, or cooperatively
11 owned line, facility, or system for producing, trans-
12 mitting, or distributing power, electricity, light, heat,
13 gas, oil, crude products, water, steam, waste, storm
14 water not connected with highway drainage, or any
15 other similar commodity, including any fire or police
16 signal system or street lighting system, that directly
17 or indirectly serves the public.

18 “(7) WIRELESS SERVICE.—The term ‘wireless
19 service’ means the transmission by radio commu-
20 nication of voice, video, or data communications
21 services, including Internet Protocol or any suc-
22 cessor protocol-enabled services, or any combination
23 of those services, whether provided on a licensed or
24 permitted unlicensed basis.

1 “(8) WIRELESS SERVICE FACILITY.—The term
2 ‘wireless service facility’ means a facility for the pro-
3 vision of wireless service.”.

